

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,822

Filed: December 10, 2001

For: PRO1759 POLYPEPTIDES

) Examiner: Bunner, Bridget E.

) Art Unit: 1647

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) Attorney's Docket No. 39780-2830 P1C38

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PRELIMINARY AMENDMENT

MAIL STOP RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

This Preliminary Amendment accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application, which is in response to the Final Office Action mailed October 6, 2006 (Paper No./Mail Date 09272006), in connection with the above-identified patent application. Please consider the following arguments. A Notice of Appeal was filed on April 6, 2006. This Request and Preliminary Amendment is timely filed with a concurrent Request for a two-month extension of time and the requisite fee.

The present Amendment and Response is further accompanied by the submission of a Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis, with attached Exhibits A and B. Also filed herewith is an Information Disclosure Statement providing copies of additional articles and abstracts in support of Applicants' arguments. Applicants note that some of the references listed in the Information Disclosure Statement are provided in the form of full-text articles, while others are provided as abstracts. Applicants submit that the full-text articles are provided solely because they are available to Applicants. Applicants do not intend to make any distinction among the references, or to indicate that some references in the IDS are more pertinent or

material than others. Applicants respectfully request that the information listed in the Information Disclosure Statement be considered by the Examiner and be made of record in the above-identified application.

Currently Pending Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 6 of this paper.